

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Monday, November 8, 2004 – 9:00 a.m. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Mike Dmitrich
Sen. Ed Mayne
Sen. Michael G. Waddoups
Rep. Greg J. Curtis
Rep. James R. Gowans

Members Excused:

President Al Mansell
Rep. Merlynn T. Newbold

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present and a copy of related materials can be found at www.le.utah.gov or by contacting the committee secretary, Tracey Fredman, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

Chair Stephenson called the meeting to order at 9:19 a.m.

MOTION: Rep. Ure moved to approve the minutes of the October 26, 2004 meeting. The motion passed unanimously. Sen. Dmitrich, Pres. Mansell, and Rep. Newbold were absent for the vote.

2. Charter Schools: Determining Preferential Enrollment for Children of Founding Members

Chair Stephenson introduced the issue.

Mr. Matt Throckmorton, Consultant, Charter One Development, reviewed the definition of a charter school "founding member," and identified some areas in the current rules where changes may be needed.

Mr. Brian Allen, Chair, Charter School Board, reviewed the intent of the original charter school bill and responded to questions from the committee. He said the establishment of a definitive list of qualifications for preferential enrollment for children of founding members would help clarify the issue.

Ms. Patricia Bradley, Executive Director, Charter Schools, suggested that the number of enrollment spots be made known to charter schools applicants.

Sen. Stephenson distributed a letter from Janene Bowen, (NCLB) No Child Left Behind/Charter Schools Specialist, and Brenda Hales, Executive Director, Curriculum and Staff Development, Jordan School District, to Howard Headlee, Governing Board Chairman, American Preparatory Academy, expressing concern regarding the education background of the charter school's administrator, Ms. Carolyn Sharette.

Ms. Carolyn Sharette, Administrator, American Preparatory Academy, distributed her written comments on "R277-470-4 Applications," recommended that laws and rules allow flexibility for growth and change over time, and expressed concern with current education requirements for administrators.

Mr. Ray Timothy, Associate State Superintendent, said that the rule does not reflect all statutory changes made to administration requirements.

Ms. Carol Lear, State Board of Education, agreed that the rules need to be rewritten. She also commented on licensing administrators and the impact those qualifications have on funding.

3. Underground Storage Tank Program Rules

Mr. Mark Ellis, Ellis Environmental Services, Inc., reviewed his concerns regarding the Division of Environmental Response and Remediation contained in his letter of September 21, 2004 (reprinted in the mailing packet).

Mr. Brad Johnson, Director, Division of Environmental Response and Remediation, DEQ (Department of Environmental Quality), responded to Mr. Ellis' concerns. He acknowledged that some hazardous waste site clean up guidelines have not been enforced and are not in rule. He said the division will be determining which guidelines meet the requirements for rulemaking.

Sen. Stephenson encouraged Mr. Ellis and Mr. Johnson to work together to resolve the rules-related issues.

4. Committee Business

Next meeting is Tuesday, November 30, at 1:00 p.m.

5. Adjourn

In the absence of a quorum, Chair Stephenson ruled the meeting adjourned at 11:44 a.m.